THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :18540 OF 2007

DATED:03-09-2007

BETWEEN:

D.Paparao & another.

..... PETITIONERS

AND

The Tahsildar,
Malkajgiri mandal,
Malkajgiri,
Rangareddy Disgtrict.

.....RESPONDENT

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondent.

2. Petitioners seek a writ of mandamus declaring the action of the respondent and its officials in interfering with their peaceful possession over the property under construction bearing house No.32-180/1/10, plot No.10, of Mallareddynagar, Alwal municipality Rangareddy District without any due process of law, as illegal and arbitrary.

3. It is the case of the petitioners that they have purchased the property bearing municipal No.32-180/1/10 plot No10 part of Sy.No.391 and 405, admeasuring about 475 sq.yards situated at Mallareddynagar, Alwal municipality, Malkajgiri mandal under registered sale deed bearing Document No.2892/1995, dated 18-12-1995, from Bingi Mallesha and others, who are the purchasers of the landed property of an extent of Ac.6.15 guntas covered part of Sy.No.391,403 to 405 of earstwhile Gram Panchayat of Alwal under registered sale deed, dated 21-11-1969.

4. It is stated that the names of the said vendors of the petitioners were also entered in the revenue records and they are the original owners and possessors of the said land and

therefore, the title acquired by the petitioners is also without any dispute. It is further stated that the petitioners obtained permission for construction of the residential building vide permit No.G1/221/221/2004, dated
03-07-2004, from the Commissioner, Alwal municipality after due compliance of all the formalities including payment of permit fee, and HUDA charges. Whileso, during the month of May, 2007 while construction was going on, respondents have visited and asked to submit the relevant documents and even after submitting the relevant documents they have again asked to show the relevant documents and therefore the petitioners once again submitted the relevant documents on 21-06-2007, but however, respondent without any justification whatsoever illegally interfered with the lawful possession of the petitioners with regard to the construction of the said building in accordance with the permission obtained from the municipality. Hence, the present Writ Petition.

5. Having regard to the facts and circumstances, respondent is directed not to interfere with the peaceful possession and enjoyment of the petitioners' property under construction bearing House No.32-180/1/10 plot No.10 of Mallareddynagar, Alwal municipality without following due process of law.

6. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

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V.ESWARAIAH,J

03rd September, 2007.
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